

ATTACHMENT B

Krakauer v. Dish Network

United States District Court for the Middle District of North Carolina

1:14-CV-333

Notice for *Cy Pres* Award Process

Introduction

Krakauer v Dish Network, LLC is a consumer class action alleging repeat solicitations to thousands of residential customers on the Do Not Call list in violation of the Telephone Consumer Protection Act (“TCPA”). The class consists of people whose telephone numbers received calls in violation of the TCPA, and it includes people from every state in the United States.

A jury found the defendant liable and awarded damages which the Court trebled based on the Court’s finding that the violations were willful. Because not all of the judgment funds will be claimed by the class member, there will be approximately \$11 million in unclaimed funds which may be available for distribution as *cy pres* awards. Pursuant to the Court’s orders of October 27, 2020 and November 6, 2020, the Court has appointed a special master to make recommendations as to the potential recipients of these funds. Copies of these orders are [HERE](#) and [HERE](#). See also *Krakauer v. Dish Network, LLC* (4th Cir. 2019) which can be found at <https://www.ca4.uscourts.gov/opinions/181518.P.pdf>

Criteria for Awards

1. Applicants must be a tax exempt organization under §501(c)(3) of the Internal Revenue Code, a state governmental entity as identified by 47 USC §227e(6), or a non-§501(c)(3) state university or college. a. a. If the applicant is a state entity, it must be able to provide assurance that funds will be used for their intended purpose, and will not revert to the state’s general fund.
2. Funds from the award must target the interests of the class members, including by work on behalf of consumers injured by willful violators of the TCPA, like Dish Network, by, for example, providing direct services, support, research, or advocacy to benefit such consumers individually or in the aggregate.
3. Funds from the award must be used to further the purposes of the Telephone Consumer Protection Act.
4. An applicant must be able to demonstrate its capacity to implement to proposed project. A history of efforts to further the purposes of the TCPA is desirable.
5. Each awardee will be required to certify to the Court, at the end of the award period, that the funds it received were used solely for the project described and the purposes stated in its application.

Application and Award Process

1. The electronic application form is available [HERE](#).
2. All applications and their attachments must be submitted electronically. No applications or attachments will be accepted in paper. Please note that if you are a 501(c)(3) tax-

exempt organization, other than a university, attach a profit and loss statement for your organization for the two most recent complete fiscal years.

3. Applications must be submitted no later than noon on January 29, 2021. **Applications and their required attachments should be emailed to both:**

1. krakauerlitigation@kccllc.com and
2. krakauerdish.specialmaster@gmail.com

Please do not include any attachments other than the ones that are required.

1. The special master will make recommendations to the Court no later than March 22, 2021. The report of the special master will be filed with the court and will be public information. The Court will make all final decisions as to the distribution of any *cy pres* awards.
2. It is anticipated that no *cy pres* awards in this matter will be distributed earlier than July 1, 2021.
3. Questions and inquiries about the award criteria and application process may be submitted to krakauerdish.specialmaster@gmail.com

Krakauer v. DISH Network, L.L.C.

United States District Court for the Middle District of North Carolina
No. 1:14-CV-333

Application for Cy Pres Award

**Instructions: Email the completed application and necessary attachments to BOTH
KrakauerLitigation@kccllc.com and Krakauerdish.Specialmaster@gmail.com**

1. Name of Applicant

2. Physical Address

Street _____

City _____ State _____ ZIP _____

3. A. Name of person best able to answer questions about this application

B. Email Address

C. Direct telephone number

4. Status [check one]

☐ Tax exempt organization under §501(c)(3) of the Internal Revenue Code

Attach §501(c)(3) certificate if selected

☐ State Government entity as identified in 47 U.S.C. 227(e)(6)

☐ **I affirm that a cy pres award will be used for the purposes stated in this application
and will not revert to the general funds of the State.**

☐ Non-501(c)(3) state university or college

5. Title of the project

6. Total amount requested

7. Length of time to expend the funds [check one] **If more than one year, enter amount per year**

☐ 1 year _____

☐ 2 years _____

☐ 3 years _____

☐ 4 years _____

8. Purpose of the project (Limit of 600 characters)

9. How would the proposed project further the purposes of the Telephone Consumer Protection Act ("TCPA")?

A. This project will further the purposes of

☐ 47 U.S.C. 227(b)

☐ 47 U.S.C. 227(c)

☐ both 47 U.S.C. 227(b) and 227(c)

B. This project will provide [check all that apply]

☐ direct services

☐ enforcement

☐ research

☐ advocacy

☐ other _____

C. Describe how the project will further the purposes of the Telephone Consumer Protection Act (Limit of 1000 characters)

10. How would the proposed project benefit the members of the *Krakauer v. DISH Network, L.L.C.* class? (Limit of 1000 characters)

11. What geographic area of the United States would the proposed project benefit [check one]?

☐ The entire United States

☐ These states _____

☐ Other _____

12. What steps would you take to implement the proposed project? (Limit of 1800 characters)

13. Describe your organization's capacity to implement this project successfully (Limit of 1800 characters)

14. What is your organization's history of furthering the purposes of the TCPA? (Limit of 900 characters)

15. Would these funds allow you to extend a current effort or to initiate a new effort? (Limit of 600 characters)

16. How will you measure or determine the success of this project? (Limit of 900 characters)

17. Budget

1. What is the total annual budget of your organization? (If you are a state agency or a university, what is the annual budget of your project or program?)

2. **Attach a budget for the proposed project including all sources of funding and categories of expenditures.**

3. **If you are a 501(c)(3) tax-exempt organization, other than a university, attach a profit and loss statement for your organization for the two most recent complete fiscal years.**

**Instructions: Email the completed application and necessary attachments to BOTH
KrakauerLitigation@kccllc.com and Krakauerdish.Specialmaster@gmail.com**